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**AUG 02 2005**

In re Application of :  
Atef Gayed :  
Application No. 10/031,922 :  
Filed: May 13, 2002 :  
Attorney Docket No. MAR618/4-6(A) (US) :

**OFFICE OF PETITIONS**  
DECISION GRANTING PETITION  
UNDER 37 CFR 1.313(c)(1)

This is a decision on the petition, filed July 25, 2005, under 37 CFR 1.313(c)(1) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.


Petitioner requests that this application be withdrawn from issue "as Claim 21 is unpatentable under 35 U.S.C. § 112, para. 2 for listing an improper Markush group."

The petition satisfies the conditions for withdrawal of the application from issue. Note 37 CFR 1.313(c)(1). Accordingly, this application is withdrawn from issue.

***Petitioner is advised that the issue fee paid on July 1, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

The file is being referred to Technology Center AU 1614 for appropriate consideration of the amendment and remarks embodied in the petition to withdraw from issue.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).